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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re:

LIBOR-Based Financial Instruments  
Antitrust Litigation.

11 MD 2262 (NRB)

This Document Applies to:

11 CV 2613 (NRB)

Exchange-Based Plaintiff Action  
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**NAOMI REICE BUCHWALD**  
**UNITED STATES DISTRICT JUDGE**

On the same day on which their reply briefs in support of their motions for class certification were due, Exchange-Based plaintiffs requested leave to file a Sur-Sur-Rebuttal Report of Dr. H. Nejat Seyhun. (ECF No. 2177.) Without waiting for or receiving leave, plaintiffs incorporated this Sur-Sur-Rebuttal Report into their reply briefs. They also filed with their declaration in support of the reply brief on the trader-based claims (the "Elrod Declaration") a Declaration from Dr. Seyhun. (ECF No. 2176 Ex. 35.) Defendants opposed plaintiffs' request to file the Sur-Sur-Rebuttal Report (ECF No. 2220) and Rabobank moved to strike Dr. Seyhun's Declaration (ECF No. 2221). Plaintiffs filed a reply letter (ECF No. 2238).<sup>1</sup>


The "title" of plaintiffs' motion virtually dictates the ruling. The proverb, "All good things must come to an end," has

<sup>1</sup> Rabobank also moved to strike an exhibit to the Elrod Declaration purporting to assign claims from 303030 Trading's former owner to 303030 Trading (ECF No. 2176 Ex. 33). The effectiveness of that document will be addressed in our decision on the pending class certification motions.

been traced to the poem Troilus and Criseyde, where in the 1370's Chaucer wrote: "There is an end to everything, to good things as well." Despite the passage of centuries, the message has not lost its import; there must be ends and we have reached one. The issues in this case have been addressed in depth and with candor for years, and the consequent burdens on all parties in the context of the class certification motions could not have been clearer. Accordingly, plaintiffs' application is denied and Rabobank's motion to strike Dr. Seyhun's Declaration is granted. Exchange-Based plaintiffs are ordered to remove from their reply briefs all references to Dr. Seyhun's Sur-Sur-Rebuttal Report and Declaration and to file a clean copy and redline by September 13, 2017. Plaintiffs need not resubmit the Elrod Declaration; the Court will simply consider Dr. Seyhun's Declaration stricken.

**SO ORDERED.**

Dated: New York, New York  
September 7, 2017

  
NAOMI REICE BUCHWALD  
UNITED STATES DISTRICT JUDGE